

Hon. Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

RANDALL STEVENS

Plaintiff,

v.

PIERCE COUNTY et al.

Defendants.

NO. 3:22-cv-05862-BHS

MOTION FOR LEAVE TO WITHDRAW

Noted on Motion Calendar for:

11/24/2023

I. FACTS

This case was filed on November 8, 2022. Discovery closes on January 29, 2024 (a stipulated motion to modify the schedule may be forthcoming). Trial is set for May 28, 2024. There are motions pending and a new development that would permit undersigned counsel to greatly simplify the case and benefit Plaintiff. However, according to the Rules of Professional Conduct, the contemplated adjustments to the case would require Plaintiff's consent.

Moreover, the time is fast approaching when Plaintiff must be available for a deposition, a possible defense medical examination, and to sign declarations associated with dispositive motion practice. Plaintiff has not responded to emails, text messages, or phone calls of undersigned counsel

Motion to Withdraw

LAW OFFICE OF JACKSON MILLIKAN
2540 Kaiser Rd.
Olympia, WA 98502
Telephone: (360) 866-3556
www.MillikanLawFirm.com

1 and at least one expert witness. Plaintiff's last contact was by email on October 3, 2023, after which
 2 all communications have stopped.

3 II. DECLARATION OF COUNSEL

4 I have tried reaching my client many times by email, telephone, text message, and US
 5 Mail. I believe my client has moved from his last known official address to that of his father's.
 6 In an abundance of caution, I have directed mail to both addresses and personal service to the
 7 address of my client's father.
 8

9 Last Known Official Address:

Believed Current Address:

10 Randy Stevens
 11 3658 Bridgeport Way West # B202
 12 University Place, WA 98466

Randy Stevens c/o His Father
 2020 NW Oceanview Dr.
 Waldport, OR 97394

13 By my signature below, I hereby declare under penalty of 28 U.S.C. § 1746 that I served
 14 this motion by registered mail, electronic mail, and by providing it to a process server (return of
 15 service to be filed upon service) on this 1st day of November, 2023.

16 III. MOTION

17 It is not undersigned counsel's desire to withdraw, however the RPC and related advisory
 18 opinions (1864, 1873, 1920) counsel that, unless Plaintiff resurfaces and cooperates, withdrawal is
 19 the appropriate measure. LCR 83.2(b) states that counsel "will ordinarily be permitted to withdraw
 20 until sixty days before the discovery cutoff date in a civil case...."

21 This motion is noted for November 24, 2023, which is the Friday prior to 60 days before
 22 the January 29, 2024 discovery cutoff and consistent with the LCR 7(d)(3) requirement that it be
 23 noted "no earlier than the third Friday after filing and service." If Plaintiff resurfaces *and*
 24 demonstrates cooperation in the prosecution of his claims, then undersigned counsel will, upon
 25
 26

Motion to Withdraw

LAW OFFICE OF JACKSON MILLIKAN
 2540 Kaiser Rd.
 Olympia, WA 98502
 Telephone: (360) 866-3556
 Jackson@MillikanLawFirm.com

1 execution of an addendum to the Representation Contract between himself and Plaintiff, strike this
2 Motion in accordance with LCR 7(l).

3 If this Motion is not struck on or before the noting date, then undersigned counsel hereby
4 moves for leave to withdraw from this case.
5

6
7
8 By s/ Jackson Millikan
9 Jackson Millikan, WSB# 47786
10 Plaintiff's Counsel
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Motion to Withdraw

LAW OFFICE OF JACKSON MILLIKAN
2540 Kaiser Rd.
Olympia, WA 98502
Telephone: (360) 866-3556
Jackson@MillikanLawFirm.com